

ASSEMBLY BILL

No. 2101

Introduced by Assembly Member Gordon

February 17, 2016

An act to amend Section 177.5 of the Code of Civil Procedure, relating to court sanctions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as introduced, Gordon. Sanctions: jurors.

Existing law authorizes a judicial officer to impose reasonable money sanctions, not to exceed \$1,500, payable to the court, for any violation of a lawful court order by a person, done without good cause or substantial justification. For purposes of this provision, the term “person” includes a witness, a party, or a party’s attorney.

This bill would provide that the term “person” also includes a juror. The bill would make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 177.5 of the Code of Civil Procedure is
- 2 amended to read:
- 3 177.5. (a) A judicial officer shall have the power to impose
- 4 reasonable money sanctions, not to exceed fifteen hundred dollars
- 5 (\$1,500), notwithstanding any other provision of law, payable to
- 6 the court, for any violation of a lawful court order by a person,
- 7 done without good cause or substantial justification. This power
- 8 shall not apply to advocacy of counsel before the court. For the

1 purposes of this section, the term “person” includes a witness, a
2 juror, a party, or a party’s attorney, or both. attorney.

3 ~~Sanctions~~

4 (b) *Sanctions shall not be imposed* pursuant to this section ~~shall~~
5 ~~not be imposed~~ except on notice contained in a party’s moving or
6 responding ~~papers~~; *papers*, or on the court’s own motion, after
7 notice and opportunity to be heard. An order imposing sanctions
8 shall be in writing and shall recite in detail the conduct or
9 circumstances justifying the order.